

# HOUSE BILL REPORT

## ESSB 6242

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### As Reported by House Committee On: Education

**Title:** An act relating to waivers from the one hundred eighty-day school year requirement.

**Brief Description:** Concerning waivers from the one hundred eighty-day school year requirement.

**Sponsors:** Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators King, Rolfes, Litzow, Billig, Fain, Chase and McAuliffe).

#### **Brief History:**

##### **Committee Activity:**

Education: 2/20/14, 2/26/14 [DPA].

#### **Brief Summary of Engrossed Substitute Bill (As Amended by Committee)**

- Continues the State Board of Education's (SBE) authority to grant certain school districts a waiver to the 180 school day requirement for purposes of economy and efficiency.
- Adds to the application components a requirement that districts explain the impact on employees in education support positions.
- Removes the requirement that the SBE provide a report to the Legislature with respect to economy and efficiency waivers.
- Provides that the waiver and the section expire on August 31, 2017.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass as amended. Signed by 17 members: Representatives Santos, Chair; Stonier, Vice Chair; Dahlquist, Ranking Minority Member; Magendanz, Assistant Ranking Minority Member; Bergquist, Fey, Haigh, Hargrove, Hawkins, Hayes, Klippert, Lytton, Muri, Orwall, Parker, Seaquist and Warnick.

**Minority Report:** Do not pass. Signed by 2 members: Representatives S. Hunt and Pollet.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Megan Wargacki (786-7194).

**Background:**

Minimum Instructional Requirements.

A school district's basic educational program must consist of a minimum of 180 school days per school year. Currently, for students enrolled in grades 1 through 12, school districts must make available a district-wide annual average of at least 1,000 instructional hours. In the future but not before the 2014-15 school year, this average must be increased to at least 1,080 instructional hours for students enrolled in grades 4 through 12, according to an implementation schedule adopted by the Legislature.

Waivers.

The State Board of Education (SBE) is authorized to adopt rules regarding compliance with its program requirements, which include Basic Education, graduation requirements, accountability, and other specified matters. The SBE may grant waivers of program requirements, including minimum instructional hours, the length of the school year, and student-teacher ratios, if the waiver is necessary to implement a school district's local plan to provide an effective education system designed to enhance the educational program for each student.

*Waivers for Economy and Efficiency.*

In 2009 the Legislature granted the SBE the authority to waive the 180-day requirement for districts that propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency. Only five school districts are eligible for these waivers, two with student populations under 150 and three with student populations between 150 and 500. The SBE may not waive the 1,000 instructional hours requirement as part of this waiver.

School districts seeking such waivers must submit an application that includes:

- a proposed calendar showing how the instructional hour requirement will be met;
- an explanation and estimate of the economies and efficiencies to be gained;
- an explanation of how the monetary savings will be redirected to support student learning;
- a summary of public comments received at a public hearing on the proposal, together with an explanation of how any concerns will be addressed;
- an explanation of the impact on students who rely on free and reduced lunch and on the ability of the child nutrition program to operate an economically independent program;
- an explanation of the impact on employee recruitment and retention;
- an explanation of the impact on students whose parents work during the missed school day; and
- other information as requested by the SBE to assure that the proposal will not adversely affect student learning.

These waivers may be granted for up to three years, with all waivers expiring August 31, 2014. Currently, two districts, both with fewer than 150 enrolled students, are receiving these waivers.

The 2009 legislation also required the SBE to examine these waivers and recommend to the Legislature whether the program should be continued, modified, or allowed to terminate based on empirical evidence. In November 2013 the SBE recommended to the Legislature that the waivers be allowed to continue for an interim period because, though inconclusive, the data did not show a measurable decline in student achievement.

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**Summary of Amended Bill:**

This bill continues the SBE's authority to grant certain school districts a waiver to the 180 school day requirement for purposes of economy and efficiency through August 31, 2017.

The requirement that school districts who obtain waivers of the 180-day requirement for purposes of economy and efficiency continue to offer an annual average of 1,000 instructional hours is modified to require these school districts to meet minimum instructional hour offerings.

One of the application components for school districts seeking a waiver is modified to require an explanation of the impact on employees in education support positions.

The requirement that the SBE provide a report to the Legislature with respect to economy and efficiency waivers is removed.

**Amended Bill Compared to Engrossed Substitute Bill:**

The amendment makes the following changes to the engrossed substitute bill:

- The requirement that school districts may not waive the annual average instructional hour offering is changed to require that districts offer a minimum instructional hours offering.
  - In addition to other waiver application requirements, districts must explain the impact of the waiver on employees in education support positions.
  - The waivers remain limited to five school districts, but the language requiring that two of the waivers be granted to districts with less than 150 students and three of the waivers be granted to districts with 150 to 500 students is restored.
  - The description of how students will be counted is removed.
  - Both the waivers and the section expire August 31, 2017.
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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) A pilot program was started a few years ago, which allowed small schools go to a four-day school week. Only two schools have this waiver and these schools meet all the other educational requirements. This bill would still allow five schools with less than 500 students to have waivers, with all the other requirements in place. This waiver has worked for the school districts with current waivers. Some schools that have this waiver have a very good student success rate. Although a four-day school week works well for these districts, it will not work well for all districts. Certain school districts would like to continue doing a four-day week because it saves them money, while maintaining their education level. These waivers meet the unique needs of small rural school districts. The program structure, which only allows waivers for school districts with up to 500 students, is good. The schools that have the waivers now are doing some really fun, unique things with their extra day. This bill would extend the waiver for the current schools and expand it to additional schools.

(Opposed) It makes sense for the current two schools to continue having the waiver and for the expiration date to be removed. These waivers are a concern because they are efficiency and savings measures, which began when school districts were implementing budget cuts. As a result, many of the savings were borne by the lowest paid employees through salary cuts and reductions in benefits.

**Persons Testifying:** (In support) Senator King, prime sponsor; Julia Suliman, State Board of Education; and Marie Sullivan, Washington State School Directors' Association.

(Opposed) Doug Nelson, Public School Employees of Washington.

**Persons Signed In To Testify But Not Testifying:** None.